

## **MINUTES**

### **MONTANA HOUSE OF REPRESENTATIVES 58th LEGISLATURE - REGULAR SESSION**

#### **COMMITTEE ON STATE ADMINISTRATION**

**Call to Order:** By **CHAIRMAN DEBBY BARRETT**, on April 2, 2003 at 9 A.M., in Room 455 Capitol.

#### **ROLL CALL**

##### **Members Present:**

Rep. Debby Barrett, Chairman (R)  
Rep. Dee Brown, Vice Chairman (R)  
Rep. Larry Jent, Vice Chairman (D)  
Rep. Norman Ballantyne (D)  
Rep. Arlene Becker (D)  
Rep. Sue Dickenson (D)  
Rep. Carol Gibson (D)  
Rep. Daniel S. Hurwitz (R)  
Rep. Hal Jacobson (D)  
Rep. Larry Lehman (R)  
Rep. Ralph Lenhart (D)  
Rep. Alan Olson (R)  
Rep. Bernie Olson (R)  
Rep. Don Roberts (R)  
Rep. Clarice Schrumpf (R)  
Rep. Frank Smith (D)  
Rep. Pat Wagman (R)  
Rep. Jonathan Windy Boy (D)  
Rep. Cindy Younkin (R)

**Members Excused:** None.

**Members Absent:** None.

**Staff Present:** Sheri Heffelfinger, Legislative Branch  
Joan Reiman, Committee Secretary

**Please Note:** These are summary minutes. Testimony and discussion are paraphrased and condensed.

##### **Committee Business Summary:**

Hearing & Date Posted: None  
Executive Action: HR 4 DO PASS AS AMENDED;  
SB 339 TABLED, SB 428 BE CONCURRED  
IN AS AMENDED, SB 429 BE CONCURRED

**EXECUTIVE ACTION ON SB 239**

**Discussion:**

**CHAIRMAN BARRETT** said that they had already concurred on SB 239 with unedited amendments, but that Ms. Heffelfinger edited them later on. **REP. JENT** agreed to carry this bill in the House.

**EXECUTIVE ACTION ON SB 339**

**Motion:** **REP. BROWN** moved that SB 339 BE CONCURRED IN.

**Discussion:**

**REP. BROWN** said she had asked **SEN. COONEY** how many other states do this; it is ahead of its time and she is opposed. **REP. BECKER** said she had problems with expenditure limits covering one entire cycle of primary and general elections. **REP. GIBSON** thought it was reasonable.

**Motion/Vote:** **REP. LENHART** moved that SB 339 BE TABLED. Motion carried 10-9 on a roll call vote, with **REPS. BALLANTYNE, DICKENSON, GIBSON, HURWITZ, JACOBSON, JENT, SMITH, WAGMAN, and WINDY BOY** voting no. **REP. WINDY BOY** voted by proxy (as he had not yet arrived).

**EXECUTIVE ACTION ON SB 428**

**Motion:** **REP. A. OLSON** moved that SB 428 BE CONCURRED IN.

**Motion:** **REP. WAGMAN** moved that SB 428 BE AMENDED.

**EXHIBIT**(sth70a01)

**Discussion:**

**REP. WAGMAN** asked Ms. Heffelfinger to explain amendment (0042801.ash). She said it changed Article V, Section 14 of the Constitution so laws would apply only to succeeding Redistricting Commissions, not to the current one. **REP. WAGMAN** said that **SEN. ESP** asked him to amend this to stop all the bills trying to deal retroactively with redistricting. **REP. LEHMAN** asked how it related to immediate effective dates on bills already passed. **Ms. Heffelfinger** said this bill would go on the ballot first.

**Vote:** Motion carried 17-2 with **REPS. SMITH and WINDY BOY** voting no. **REPS. HURWITZ and WINDY BOY** voted by proxy.

**Motion:** REP. A. OLSON moved that SB 428 BE CONCURRED IN AS AMENDED.

**Discussion:**

REP. BECKER said she is not clear on Section 3, and voters would not know what they are to vote on. REP. SMITH was not clear on Sections 6-9. REP. A. OLSON said Section 3 is to eliminate partisan plans, to keep parties out of it. REP. JENT noted it did not enumerate how many more hearings were to be held. He referenced SB 429, to be voted on next, which has the "Iowa Plan." The legislature will then either approve the plan or Legislative Services would have to prepare another plan. "It is too 'clunky,' and is not practical," he said.

**Motion:** REP. A. OLSON moved that SB 428 BE AMENDED CONCEPTUALLY TO STRIKE SECTIONS 8-11 on PAGE 2, LINES 10-28.

**Discussion:**

REP. A. OLSON said this would take out the details on constitutional language. By not spelling it out now, they can either re-state or stay with the statute's language. REP. HURWITZ stepped out for a moment.

**Vote:** Motion carried 13-6, with REPS. DICKENSON, GIBSON, JENT, LENHART, ROBERTS, and SMITH voting no, with REPS. HURWITZ and WINDY BOY voting by proxy.

**Motion:** REP. A. OLSON moved that SB 428 BE CONCURRED IN AS AMENDED.

**Discussion:**

REP. BALLANTYNE wanted to hold off and expressed concern that the courts have not decided in this matter. REP. LEHMAN agreed that it would be 10 years before they need a new process. REP. WINDY BOY arrived at this time.

**Vote:** Motion failed 7-12 on a roll call vote, with REPS. BARRETT, BROWN, HURWITZ, A. OLSON, SCHRUMPF, WAGMAN, and YOUNKIN voting aye, and with REP. HURWITZ voting by proxy.

**Motion/Vote:** REP. A. OLSON moved to REVERSE THE VOTE AND TABLE. Without objection, SB 428 was thus tabled 12-7, with REPS. BARRETT, BROWN, HURWITZ, A. OLSON, SCHRUMPF, WAGMAN and YOUNKIN voting no, and with REP. HURWITZ voting by proxy. REP. HURWITZ returned at this time.

EXECUTIVE ACTION ON SB 429

Motion: REP. BROWN moved that SB 429 BE CONCURRED IN.

Motion/Vote: REP. SMITH moved that SB 429 BE TABLED. Motion carried 12-7 on a roll call vote, with REPS. BARRETT, BROWN, HURWITZ, A. OLSON, SCHRUMPF, WAGMAN and YOUNKIN voting no. {Tape: 1; Side: A; Approx. Time Counter: 0 - 23.6}

EXECUTIVE ACTION ON HR 4

Motion: REP. WAGMAN moved that HR 4 DO PASS.

Motion: REP. WAGMAN moved that HR 4 BE AMENDED.

Discussion:

REP. WAGMAN called the sponsor to speak to the amendment. REP. WANZANRIED said it was originally worded so it would pass all 100 members, but this amendment mixes policy with praise. REP. WAGMAN wanted to call proponents, but REP. BROWN objected.

Substitute Motion: REP. GIBSON made a substitute motion ON HR 4 TO SEGREGATE AMENDMENT 2, ADDING THE COAST GUARD, and to VOTE ON IT SEPARATELY.

Discussion:

CHAIRMAN BARRETT said Page 2 included the sponsor's amendment to include all facilities in Montana; that was not in REP. WAGMAN'S amendment. Ms. Heffelfinger said they must make a conceptual amendment to Line 11, striking "in the Persian Gulf region." REP. WINDY BOY opposed line 26, stating that it supports President Bush.

Vote: Motion carried 19-0.

REP. LEHMAN said the original bill was nonpartisan, but some Democrats don't want to name Bush (in the amendment); this ought to be unpolitical. REP. WINDY BOY opposed Page 2, Lines 5-9; state issues should be separate from prayers. REPS. LENHART and SMITH agreed that the amendments changed the intent.

Motion/Vote: REP. WAGMAN made a motion TO AMEND HR 4 WITH AMENDMENT 5 and TO VOTE ON IT SEPARATELY.

Vote: Motion failed 4-15 with REPS. A. OLSON, SCHRUMPF, WAGMAN, and YOUNKIN voting aye.

Motion: REP. BALLANTYNE made a motion on HR 4 to DELETE ALL AMENDMENTS EXCEPT AMENDMENT 2.

Vote: Motion carried 12-7 on a roll call vote with REPS. BROWN, A. OLSON, B. OLSON, ROBERTS, SCHRUMPF, WAGMAN, and YOUNKIN voting no.

Motion: REP. BALLANTYNE moved that HR 4 DO PASS AS AMENDED (WITH ONLY AMENDMENT 2).

Motion/Vote: REP. BECKER moved HR 4 CONCEPTUAL AMENDMENT TO STRIKE PERSIAN GULF AND SEND THE RESOLUTION TO ALL MONTANA SERVICE PEOPLE. Motion carried 19-0.

Motion/Vote: REP. A. OLSON moved that HR 4 DO PASS AS AMENDED, INCLUDING AMENDMENT 2 AND REP. BECKER'S CONCEPTUAL AMENDMENT. Motion carried 19-0.

*{Tape: 1; Side: A; Approx. Time Counter: 23.6 - 40}*

Committee adjourned from 10:00 AM to 3 PM, then reconvened.

#### EXECUTIVE ACTION ON SB 428

Motion/Vote: REP. BROWN moved SB 428 BE TAKEN OFF THE TABLE AND RECONSIDERED. Motion carried 10-9 on a roll call vote with REPS. BALLANTYNE, BECKER, DICKENSON, GIBSON, JACOBSON, JENT, LENHART, SMITH, and WINDY BOY voting no. REPS. JENT, HURWITZ, WINDY BOY and YOUNKIN voted by proxy.

Motion: REP. BROWN moved that SB 428 BE CONCURRED IN AS AMENDED.

#### Discussion:

REP. BECKER said they have ten years to fix the redistricting problem; she urged not rushing. REP. BROWN said they had found out they may need to "sort through this" with decisions now coming out of court. She said if this issue goes on the ballot, it will "come back in their faces." REP. A OLSON said SB 428 as amended would go to the Senate; if they reject it, it will go to pre-conference or conference committee and then they can vote on it again.

REP. DICKENSON thought a four-member committee would not be able to agree on a chairman, and it would be unworkable to alternate

as chairman. **REP. GIBSON** said this bill will not change partisanship. **CHAIRMAN BARRETT** said there were no complaints until Plan 300; a plan was never rejected before this one.

**Vote:** Motion carried 10-9 on a roll call vote with REPS. **BALLANTYNE, BECKER, DICKENSON, GIBSON, JACOBSON, JENT, LENHART, SMITH, and WINDY BOY** voting no. REPS. **JENT, HURWITZ, WINDY BOY and YOUNKIN** voted by proxy.

**REP. GIBSON** said she was told a proxy doesn't count for a meeting such as this, that was called suddenly. **CHAIRMAN BARRETT** said this was given notice on the Floor. **REP. A. OLSON** said this rule is up to the chairman; **Ms. Heffelfinger** agreed.

**REP. WINDY BOY** returned at this time.

#### **EXECUTIVE ACTION ON SB 429**

**Motion/Vote:** **REP. BROWN** moved SB 429 BE RECONSIDERED. Motion carried 10-9 on a roll call vote with REPS. **BALLANTYNE, BECKER, DICKENSON, GIBSON, JACOBSON, JENT, LENHART, SMITH, and WINDY BOY** voting no, and **REP. YOUNKIN** voting by proxy.

**Motion:** **REP. BROWN** moved that SB 429 BE CONCURRED IN.

#### **Discussion:**

**REP. B. OLSON** said he voted to kill it the first time. He wanted to go on record saying he thought HJR 3 would have corrected the redistricting problem by establishing a 1% population criterion with a committee of four. He is hoping for a "divine solution." **REP. JENT** said the Iowa Plan would not work in Montana.

**Ms. Heffelfinger** explained coordination with HB 309. HB 309 is law and is now in litigation, so it cannot be changed. If SB 428 (the constitutional amendment) passes, then HB 429 remains intact. If HB 428 fails, only Section 1 of HB 429 remains intact. Regardless of SB 428 passing or failing, if SB 429 passes, it will replace HB 309, which will be repealed effective November 4, 2004. If HB 309 is overturned and SB 429 fails, the current law remains.

**Vote:** Motion carried 10-9 on a roll call vote with REPS. **BALLANTYNE, BECKER, DICKENSON, GIBSON, JACOBSON, JENT, LENHART, SMITH, and WINDY BOY** voting no, and REPS. **LEHMAN and YOUNKIN** voting by proxy.

**{Tape: 2; Side: A; Approx. Time Counter: 0 - 20}**

**ADJOURNMENT**

Adjournment: 4 P.M.

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REP. DEBBY BARRETT, Chairman

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JOAN REIMAN, Secretary

DB/JR

**EXHIBIT (sth70aad)**